

NPDES Stormwater

Technical Advisory Committee

REPORT OF MEETING

TUESDAY, JANUARY 17, 2006

10:00 A. M.

CITY OF FOSTER CITY

1. INTRODUCTIONS AND REVISION TO AGENDA

Self-introductions were made, Matt Fabry introduced himself as the new Program Coordinator and everyone thanked Bob Davidson for his years of dedicated service. Chris Shirley with San Mateo County was added to the Agenda to discuss grant funding and the Bay Area Integrated Regional Water Management Plan.

2. PRESENTATIONS

- A. Matt Fabry reported that the proposed Municipal Regional Permit (MRP), which will replace the individual countywide permits, is progressing, albeit slowly. Municipal programs are participating in program component workgroups (municipal government maintenance, public information/participation, new and redevelopment, commercial/industrial and illicit discharges (CI/I), and watershed/monitoring) along with Regional Board and non-governmental organization (NGO) staff. Matt represents STOPPP on the New Development workgroup, and Ward Donnelly with Daly City represents STOPPP on the CI/I workgroup. The workgroups are identifying the current permit requirements or Best Management Practices (BMPs), the level of implementation amongst the various countywide programs, and options for permit revisions. This work product will then be presented to a Steering Committee, made up of BASMAA (Bay Area Stormwater Management Agencies Association) representatives, Regional Board staff, and NGOs. This committee will negotiate draft permit language that would ultimately be distributed for public comment. The work groups are moving slowly, with work products expected by late January or early February. Habte Kifle with the Regional Board echoed Matt's comments about the process moving slower than anticipated and thinks the MRP will likely not be issued until early Fall. Fred Jarvis with EOA reiterated that the Program submitted a complete application package for permit reissuance two years ago, and is still covered under the existing countywide permit that was administratively extended by the Regional Board. Matt indicated he will continue to distribute all meeting minutes from the various workgroups as he receives them.
- B. Fred provided an update on the California Stormwater Quality Association's (CASQA) January meeting at which both EPA and the Regional Board provided regulatory updates. Alexis Strauss reported EPA Region 9 wants to improve stormwater permits to achieve better results. EPA is concerned about the Regional Board not renewing permits on time and wants to see more standard permit conditions. Therefore, EPA applauds the Bay Area Regional Board for its efforts to develop the Municipal Regional Permit. EPA wants to target compliance efforts and certain problem sectors, such as auto dismantlers, construction sites, and sand and gravel mines. Celeste Cantu, State Board executive director, discussed the State's investigation into feasibility of including numeric effluent limits in stormwater permits and expects a report soon from their expert panel. She discussed electronic reporting for industrial and construction permittees, as well as issues with discharges to Areas of Special Biological Significance. The State Board is losing two more of its members, which will create three vacancies on the five seat board. The State Board is also working more closely with the Air Board, helping with the Los Angeles metals Total Maximum Daily Load (TMDL) issues. CASQA also reported its four BMP handbooks are going on sale for \$40 per handbook.

- C. Matt gave an update on AB1546 funds and referenced the paperwork he emailed to attendees from C/CAG regarding dollar amounts for each city and the forms for requesting reimbursement. Additional information is supposed to be coming from C/CAG in the next week with exact dollar amounts. The dollar amounts listed in C/CAG's letter are combined congestion management and stormwater pollution funds, so will need to be divided in half for the stormwater portion.
- D. Bob Davidson gave a report on the Clean Estuary Partnership, a partnership between the Bay Area Clean Water Association (wastewater treatment plants), BASMAA, the Regional Board, and refineries. BACWA and BASMAA both contribute approximately \$0.5 million each per year to fund the Partnership, which focuses on data collection to support the Regional Board's TMDL efforts. The Partnership was a five year project, and is at its 4 ½ year point, so members are questioning where to go from here. During two meetings in December, Tom Mumley, TMDL division chief for the Regional Board, was asked if the data collected by the Partnership were useful in developing TMDLs. He said the data had been of no help whatsoever, although Bob clarified that the mercury TMDL was well underway at the time the Partnership was established. Some members think the Partnership should be dissolved after the five years expires, and the issue goes next to the Partnership Executive Management Board. Eva Justimbaste of Burlingame questioned how the data could not have been useful and why it was not determined to be an issue until now. Bob did reiterate the timing of the Mercury TMDL was an issue, but couldn't say the same for the pesticide TMDL, which was started much later. Habte echoed Bob's statements regarding TMDL timeframes, but said he didn't know the reasoning behind Tom's comments.
- E. Fred Jarvis discussed the current lawsuit regarding reimbursement for costs to implement State mandated programs. There is legislation that indicates any higher requirements or level of service mandated by the State shall be reimbursable, but a later ruling said the State Water Board mandates were exempt from this requirement. Los Angeles County has filed for reimbursement for costs associated with stormwater program requirements. The Superior Court said the exemption was unconstitutional, and the issue is still being addressed in court. Fred has provided the relevant case information and Matt said he would forward to C/CAG's counsel for monitoring and decision on whether to file an amicus brief, a brief filed by a party not subject to the case, but who may be affected by its outcome. Fred also pointed out that stormwater requirements are federal mandates from the Clean Water Act, so one may have to argue that the state went beyond federal requirements.
- F. Matt reported the first half-year deliverables were due today. Fred said it's helpful to receive both electronic and hard copies of the information.
- G. Chris Shirley with San Mateo County discussed Proposition 50 grant funds and the requirement that any entity seeking grant funds be a partner in the Bay Area Integrated Regional Water Management Plan, Flood Control and Stormwater Management Section. She also handed out a Fact Sheet on the Plan. She indicated several large flood control agencies started developing the plan so all agencies could receive grant funding and they received a \$700,000 planning grant to develop the IRWMP. In San Mateo County, the flood control district is the only participant, so if any other agencies want to pursue Prop 50 funds, they need to participate in the IRWMP. The SM County Flood Control District has started developing a list of regional benefit projects, including funding modifications to the Bay Area Hydrology Model. Bob mentioned Municipal Maintenance's ongoing concerns with the difficulties in obtaining permits for creek maintenance projects, and Chris indicated one of the projects the flood control district identified is a regional permit for creek maintenance. Eva asked if it is still \$10,000 to participate, and Chris said that thanks to the \$700K planning grant, the cost to participate was greatly reduced, but not free.
- H. Habte Kifle provided a brief Regional Board update. Board meetings have moved to the 2nd Wednesday of each month. Alexis Strauss with EPA attended the last board meeting and criticized the Board on its permit reissuance backlog. The Board is currently full after the

governor reappointed some existing members. He mentioned the upcoming workshops for industrial and construction permittees on electronic reporting, and offered the Board's support for any construction-related wet season issues.

3. SUBCOMMITTEE REPORTS

PUBLIC INFORMATION/PARTICIPATION – MARILYN HARANG

Vern Bessey reported that PI/P had a presentation from the Integrated Waste Management Board regarding plastics, discussed the Zun Zun school assembly contract, the Watershed Project's teacher garden training on January 28 in East Palo Alto, and distributed the used oil grant calendars. Eva mentioned the Caltrans trash public service announcements have been airing on local cable 63 times a week, nine times a day to over 200,000 residents. The next meeting is scheduled for February 14th.

COMMERCIAL/INDUSTRIAL AND ILLICIT DISCHARGE – WARD DONNELLY

Ward reported that CII did not meet in December and would meet on January 19th.

NEW DEVELOPMENT – MATT FABRY

Matt reported that the New Development Subcommittee did meet in December, and received a BASMAA update from Eva, reviewed the Regional Board's November 17th construction workshop in Brisbane, discussed the Municipal Regional Permit, and finalized a permit compliance worksheet to help municipal staff and project applicants address the various new development stormwater requirements. Fred presented various stormwater treatment controls operation and maintenance inspection forms, and the group gave feedback for developing our own. The group discussed planning for the spring workshop and established a workgroup. The next meeting will be February 7th.

MUNICIPAL GOVERNMENT MAINTENANCE ACTIVITIES – VIRGINIA PARKS

Steve Tyler reported the group had not met in December and was meeting January 18th in Burlingame.

PARKS AND RECREATION IPM GROUP – VERN BESSEY

Vern reported that the IPM Group had its annual Integrated Pest Management Workshop on Thursday, January 12, 2006 at the Belmont Sports Complex. It was well attended with over 100 people and had great speakers on topics such as ant control, invasive spartina eradication, invasive species on San Bruno Mountain, Geographic Information Systems for pesticide usage, and a pesticide regulatory update. Next meeting will be in March.

WATERSHED AND MONITORING –FRANK MANDOLA

Frank reported WAM had not met and the next meeting will be January 12th at the South San Francisco Water Quality Treatment Plant.

4. PUBLIC COMMENTS

None

5. ANNOUNCEMENTS

Charlie Voos with Half Moon Bay reported that everything in their city is subject to Coastal Development Permits. They are updating their master plan and had general stormwater language, which the Coastal Commission rewrote to ten pages of their own requirements which are creating big problems for Half Moon Bay staff. Other coastal cities may face the same problems.

6. ADJOURNED